

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

BERNARD HAUSE, Register No. 1118272,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4381-CV-C-NKL
)	
MARVIN SMITH, et al.,)	
)	
Defendants.)	

ORDER

On May 24, 2006, the United States Magistrate Judge recommended that defendants' motion to dismiss be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's May 24, 2006 Report and Recommendation is adopted [23]. It is further

ORDERED that defendants' motion to dismiss for failure to exhaust administrative remedies, pursuant to 42 U.S.C. § 1997e, is denied [19].

/s/ _____

NANETTE K. LAUGHREY
United States District Judge

Dated: July 28, 2006
Jefferson City, Missouri